

## **REMARKS**

The Office Action mailed November 29, 2006 considered claims 1-13. Claims 1-13 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 3, 5, and 8-12 were rejected under 35 U.S.C. 102(e) as being anticipated by *Wetzer et al.* (U.S. 2004/0162811) hereinafter *Wetzer*. Claims 2, 4, and 6 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Wetzer*. Claims 7 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Wetzer* as applied to claim 1 above, and further in view of *Crici et al.* (U.S.2005/0027580) hereinafter *Crici*.<sup>1</sup>

As a preliminary matter, Applicants would like to thank the Examiner for the courtesies extended during the telephonic communication of January 30, 2007.

By this paper, claims 1, 6, 12 and 13 have been amended.<sup>2</sup> Claims 1-13 remain pending in the application of which claim 1 is the only independent claim.

### **Rejections under 35 USC 112**

Claims 1, 6, 12, and 13 have been amended so as to obviate the rejection under 35 USC 112.

### **Rejections under 25 USC 102 and 103**

As indicated during the telephonic communications of January 29 and 30, 2007, the present application is generally directed to scheduling appointments to do a job. Specifically, the invention allows jobs, each with a series of tasks to complete the job, to be scheduled. The invention calculates times when the job can be scheduled based on time availability of resources. The invention provides a user with a number of proposals for times for scheduling a job. Once a

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<sup>1</sup> Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

<sup>2</sup> Support for the amendments can be found throughout the specification but with particularity on page 13 beginning at line 11- line 25.

user has scheduled a job, the invention recalculates job times and eliminates any proposals that are no longer available for subsequent users for scheduling jobs.

Specifically, a method as recited in claim 1 includes creating a plurality of proposals that specify when the job might be scheduled during a defined time. The plurality of proposals is dependent on services specified by an operator and time dependencies of services specified by an operator. As such, the plurality of proposals are created as a function of the time availability of each resource that they can be used to perform each service needed to perform the job. Additionally, as amended, the claims now recite that the plurality of the proposals is revised in response to one of the proposals being selected. Automatically revising includes recalculating job times by taking into account resources which are no longer available due to making the appointment for doing the job. Revising the plurality of proposals further includes eliminating any proposals from among the plurality of proposals for which job times cannot be recalculated.

The present invention provides a set of proposals which allows a job, not necessarily tied to any particular piece of equipment, with multiple tasks to be scheduled. Once the job is scheduled, in view of resources no longer available, the set of proposals is revised eliminating any proposals through recalculation such that any of the remaining available proposals can be used by subsequent users to schedule jobs. The art cited in the present of office action differs from the present invention as now claimed.

For example, *Wetzer* is directed to creating a resource plan for maintenance tasks to be performed on an end item of equipment requiring maintenance. See e.g. *Wetzer* at [0007]. However, the disclosure of *Wetzer* seems to be concerned with creating a resource plan for a specific piece of end item of equipment. (See e.g. *Wetzer* at paragraph [0018] "[t]he configuration definition data comprises equipment identifier (e.g. tail number of an airplane) that identifies the entire mechanical equipment..."). While schedules may be calculated and options provided for a particular maintenance plan for a particular piece of equipment, there is no need to recalculate and provide additional proposals once a maintenance plan has been finalized. Rather, any recalculations that are performed are performed on a preliminary resource plan for a specific

piece of equipment in view of specific requirements. See e.g. Wetzer at [0030] (specifically at page 4 second column, about 7 lines down) and at [0031]. Wetzer discloses that once a resource plan has been optimized, transactions and assignments are made to implement the optimized resource plan. See e.g. Wetzer at [0034]. Once resources are allocated, there is no recalculation based on the plan being scheduled, rather the disclosure of Wetzer is only concerned with preparing the plan for the specific equipment item in question. Thus, Wetzer does not include provisions for "recalculating job times taking into account resources which are no longer available due to making the appointment for doing the job and eliminating any proposals from among the plurality of proposals for which job times cannot be recalculated."

Similarly, *Crici* is directed to allowing service providers to provide a schedule showing time slots in which the service provider can provide services and users selecting time slots which cause a modification of the service provider's schedule. See e.g. *Crici* at Abstract. Thus, rather than recalculating and providing proposals based on the recalculation, *Crici* merely removes a selected time slot from available time slots. No recalculation is performed by *Crici*, rather, the selected schedule is simply removed.

Thus, the art cited in the present office action does not teach or suggest "recalculating job times by taking into account resources which are no longer available due to making the appointments for the job" and do not disclose "eliminating any proposals from among the plurality of proposals for which job times cannot be recalculated."

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner

provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney 801-533-9800.

Dated this 7<sup>th</sup> day of February, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Lavar Oldham". The signature is fluid and cursive, with the first initial "J." being prominent.

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